

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WAG ACQUISITION, LLC,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

CASE NO. C22-1424JLR

SHOW CAUSE ORDER

The court's scheduling order in this matter set a *Markman* hearing for February 27, 2023. (Sched. Order (Dkt. # 108).) However, the court is aware that Defendant Amazon.com, Inc. ("Amazon") has filed *inter partes* review ("IPR") petitions with the U.S. Patent Office ("USPTO") challenging all asserted claims of the Patents-in-Suit.<sup>1</sup> (See Not. of Related Cases (Dkt. # 71) at 2.) Additionally, The Walt Disney Company

<sup>1</sup> These include: (1) U.S. Patent No. 9,729,594 (the "'594 Patent"); (2) U.S. Patent No. 9,742,824 (the "'824 Patent"); and (3) U.S. Patent No. 9,762,636 (the "'636 Patent") (collectively, the "Patents-in-Suit").

1 and Google, LLC (“Google”) filed IPR petitions challenging all claims of the Patents-in-  
2 Suit. (*See id.*) The IPR petitions were filed in July and August 2022 and are fully  
3 briefed. (*See id.*); *see also, e.g., Document Search for Review Number IPR2022-01429*,  
4 USPTO, <https://ptacts.uspto.gov/ptacts/ui/public-search> (last accessed on Feb. 6, 2023)  
5 (Amazon’s IPR petition regarding the ’594 Patent); *Document Search for Review Number*  
6 *IPR2022-01430*, USPTO, <https://ptacts.uspto.gov/ptacts/ui/public-search> (last accessed  
7 on Feb. 6, 2023) (Amazon’s IPR petition regarding the ’824 Patent); *Document Search*  
8 *for Review Number IPR2022-01433*, USPTO, [https://ptacts.uspto.gov/ptacts/ui/public-](https://ptacts.uspto.gov/ptacts/ui/public-search)  
9 [search](https://ptacts.uspto.gov/ptacts/ui/public-search) (last accessed on Feb. 6, 2023) (Amazon’s IPR petition regarding the ’636 Patent).  
10 According to United States District Judge John A. Kronstadt, the USPTO is expected to  
11 decide whether or not to institute IPR proceedings sometime in March 2023 with respect  
12 to Amazon and Google’s IPR petitions. *See Stay Order, WAG Acquisition, LLC v. The*  
13 *Walt Disney Company*, No. 2:21-cv-08230-JAK-E (C.D. Cal. Nov. 9, 2022), Dkt. # 104.  
14 With respect to The Walt Disney Company’s IPR petitions, the USPTO granted  
15 institution of IPR proceedings on both the ’636 Patent and the ’824 Patent, and a decision  
16 is expected on The Walt Disney Company’s IPR petition regarding the ’594 Patent  
17 sometime in March 2023. (*See id.*); *’824 Patent Request for Trial Granted*, USPTO (Feb.  
18 6, 2023), <https://patentcenter.uspto.gov/applications/15283578/ifw/docs>; *’636 Patent*  
19 *Request for Trial Granted*, USPTO (Feb. 3, 2023), [https://patentcenter.uspto.gov/](https://patentcenter.uspto.gov/applications/15283544/ifw/docs)  
20 [applications/15283544/ifw/docs](https://patentcenter.uspto.gov/applications/15283544/ifw/docs).

21 Accordingly, the court ORDERS the parties to show cause why the current  
22 *Markman* hearing date should not be stricken and the case stayed until the USPTO

1 resolves Amazon's IPR petitions.<sup>2</sup> The parties shall respond to this order, in no more  
2 than 1500 words, by February 10, 2023.

3 Dated this 6th day of February, 2023.

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6 JAMES L. ROBART  
7 United States District Judge  
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22 <sup>2</sup> Once the USPTO resolves those petitions, the court will hold a scheduling conference with the parties regarding whether this case should remain stayed until the completion of the IPR proceedings regarding the Patents-in-Suit.